

ARTICLE XVIII-D**ESTABLISHMENT OF HISTORIC ZONING DISTRICTS****Section 1801-D****Purpose and Intent**

The purpose of this Article is to permit the rezoning of locally designated historic districts to more accurately reflect existing land use patterns in the area and to preserve the distinctive physical character and heritage of the historic district. An historic zoning district establishes new zoning districts and regulations which are unique to the specific historic district based on its individual needs. This Article is also intended to provide a mechanism by which established historic districts may amend zoning regulations to preserve a sense of place, strengthen the tax base, and insure adequate infrastructure, transportation, and public facilities.

Section 1802-D**Procedure**

- (a) This section shall only be applicable when the area to be rezoned is located within a locally designated historic district as recognized by the Historic Preservation Commission and adopted by the City Council.
- (b) An historic zoning district may be initiated by the Planning Board, upon recommendation of the Planning Department and the Historic Preservation Commission.
- (c) Any proposed historic zoning district under consideration shall be studied by the Planning Department to determine:
 - (1) The purpose and intent of the historic zoning district under consideration;
 - (2) The existing character of the district;
 - (3) Development goals for the district;
 - (4) Boundaries of the area under consideration;
 - (5) Land uses permitted;
 - (6) Design guidelines based upon the Historic Preservation Commission's Design Standards and Criteria or individual guidelines adopted for a specific historic district.
- (d) Any proposed rezoning under this section shall be studied by the Planning Department to determine:
 - (1) The need for additional land in the City having the same classification as that requested; and
 - (2) A substantial change in the land use character of the surrounding area that justifies the change in zoning.
- (e) The Planning Department shall submit the historic zoning district request to the Planning Board for consideration along with a staff report containing the findings enumerated in subsections (c) and (d).
- (f) Additionally, the Planning Department may report findings concerning the following:
 - (1) The effect of the change on the particular district and on surrounding properties;
 - (2) The impact, if any, on the existing infrastructure, transportation, tax base, and surrounding land uses;
 - (3) The relationship of the proposed amendment to the City's Comprehensive Plan and other relevant local and regional plans, with appropriate consideration as to

whether the proposed changes will further the purpose of this section and related plans; and

- (4) Any other relevant considerations regarding rezoning of the historic district.
- (g) The Planning Board shall hold a public hearing on the historic zoning district request. Public notice of the hearing shall be given at least fifteen (15) days in advance of the hearing by publication in a newspaper of regular and general circulation in the City, and a notice shall be posted at City Hall. The Planning Board shall forward its recommendations in writing to the City Council for final consideration. The City Council shall hold a public hearing following adequate public notice within sixty (60) days of the Planning Board recommendations.
- (h) When the City proposes to establish an historic zoning district on any property within its jurisdiction, or proposes to amend an existing historic zoning district, it shall be the duty of the City to give notice by first class mail to each property owner affected by said regulation. Such notice shall be mailed to the owner's current address of record, as maintained by the assessor of taxes and shall be postmarked no later than ten (10) days prior to the first scheduled hearing concerning the proposed change. The notice shall contain a description and map of the affected property, the proposed historic zoning district regulations, the time and place of any scheduled hearing. Prior to the effective date of the establishment of an historic zoning district, the City shall cause an affidavit to be filed with the City Clerk certifying that the City has complied with this section. The filing of the affidavit shall be prima facie proof of compliance with this section. A failure to give notice shall not affect the validity of the historic zoning district regulations, except as to the property of the complaining owner. Notice shall not be invalid or ineffective if sent according to the ownership records of the Tax Assessor, regardless of the accuracy of the tax records. It is the owner's responsibility to ensure the accuracy of tax records pertaining to his property.